

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) 1:03-CR-5410
)
Plaintiff,)
)
vs.) **DECISION ON DEFENDANT'S MOTION**
) **FOR JURY TRIAL**
)
VICTOR VEVEA,)
)
Defendant,)
)
_____)

The Court has received and reviewed the Defendant's moving papers filed on November 1, 2007.

The defendant cites three reasons to have the Court grant the requested jury in a petty case:

- 1) a conviction would be particularly serious to this defendant because he is preparing to sit to take the Bar Examination and a conviction could stand in his way to be admitted to the Bar;
- 2) a conviction would destroy his pending civil rights action against the "prosecution team"
- 3) defendant is convinced, based on prior rulings and findings by this Court that the Court has formed "some opinions about Defendant that could interfere with the Court's ability to sit as an impartial trier of fact."

The Government's only charge against the defendant is a petty offense (18 U.S.C. 2701(b)(2)). There is no dispute that the current and only charge constitutes a petty offense.

The defendant is correct that the general rule is that, under the circumstances found in the instant case, he is not entitled to a jury trial. In the case cited by the defendant (Lewis v U.S. 116 S.Ct. 2163 (1996)), the United States Supreme Court held that in order for there to be an exception to the general rule, the legislature would have to authorize additional penalties so severe that the crime would move from the "petty" category to the "serious" category.

1 The first and second claimed basis for the exception stated by the defendant fits into no exception to
2 the general rule.

3 The third basis is that this Court can not be fair, based on rulings and findings made by this Court.
4 While the defendant may like or agree with the rulings of the Court, none points to prejudice or bias or
5 unfairness.

6 The motion for a jury trial is hereby denied.

7 IT IS SO ORDERED.

8 **Dated: November 8, 2007**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE